



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

NIKOLAI & MERSEREAU, P.A.  
900 SECOND AVENUE SOUTH  
SUITE 820  
MINNEAPOLIS, MN 55402

**COPY MAILED**

In re Application of	:	FEB 04 2005
Readhead et al.	:	
Application No. 10/008,385	:	<b>OFFICE OF PETITIONS</b>
Filed: November 12, 2001	:	
Attorney Docket No.	:	
20040351.DIB	:	ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed August 30, 2004, to revive the above-identified application. The petition is properly treated as a petition under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition is granted.


The above-identified application became abandoned for failure to timely reply to the nonfinal Office action, mailed October 6, 2003. The Notice set a three (3) month period for reply. No reply having been received, the above-identified application became abandoned January 7, 2004. A Notice of Abandonment was mailed on April 19, 2004.

Applicant avers non-receipt of the Office action, mailed October 6, 2003. In support, Applicant has provided the necessary statements and copies of the docket record where the non-received Office action would have been entered had it been received and docketed. Applicant has demonstrated by a preponderance of the evidence that the Office action was not received.

The Notice of Abandonment is hereby withdrawn. A refund of the petition fee, \$110.00, has been credited to deposit account no. 08-1265 as authorized in the Transmittal, filed with the instant petition.

The application file is being referred to Technology Center Art Unit 1632 for re-mailing of the Office action.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

  
Derek L. Woods  
Attorney/Advisor  
Office of Petitions

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>2/3/05</u>		2 Serial/Patent # <u>10/008,385</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
	Extension of Time			\$							
	Notice of Appeal/Appeal			\$							
<input checked="" type="checkbox"/>	Petition	IFW	8/30/04	\$ 110. <sup>00</sup>							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
	Other			\$							
			7 TOTAL AMOUNT OF REFUND								
			\$ 110. <sup>00</sup>								
8 TO BE REFUNDED BY:											
10 REASON:		Treasury Check									
	Overpayment	Credit Deposit A/C #:									
	Duplicate Payment	9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"> <tr> <td style="width: 20px;">0</td> <td style="width: 20px;">8</td> <td style="width: 20px;">--</td> <td style="width: 20px;">1</td> <td style="width: 20px;">2</td> <td style="width: 20px;">6</td> <td style="width: 20px;">5</td> </tr> </table>			0	8	--	1	2	6	5
0	8	--	1	2	6	5					
	No Fee Due (Explanation):										
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Derek Woods</u>			TITLE: <u>Attorney</u>								
SIGNATURE: <u>Derek Woods</u>			PHONE: <u>571-272-3232</u>								
OFFICE: <u>Petitioning</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <u>[Signature]</u>			DATE: <u>2/4/05</u>								

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: